



The Journal of Gender, Race & Justice
10th Annual Symposium

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**Examining Current U.S. Immigration &
Border Policy**

University of Iowa College of Law
The Journal of Gender, Race & Justice

10th Annual Symposium
October 7 & 8, 2005
Boyd Law Building



THE JOURNAL OF GENDER, RACE & JUSTICE

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MISSION STATEMENT

The Journal of Gender, Race & Justice is not for the weak of heart or timid in spirit. Feminist inquiry and critical race analysis are the touchstones of our endeavor. Our building blocks are new forms of analysis which reach beyond traditional conceptions of legal thought. We challenge our writers, our readers, ourselves, to question how the law defines us. We strive to be a transformative experience. In a spirit of openness, we explore how we are classified, stratified, ignored, and singled out under the law because of our race, sex, gender, economic class, ability, sexual identity, and the multitude of labels applied to us. Identity is a matrix of experiences; when the law fails to recognize any one facet of our identity, both the law and the person lose invaluable dimension. Our challenge is to examine how we negotiate our identities, how the legal system negotiates them for us, and how these negotiations affect our ability to attain justice.

Our conception of justice looks beyond legal rights to how fairness, equity, and respect delineate the boundaries of what legal justice must, at a minimum, entail. We include all struggles against oppression within this conception. We seek to invoke a vision of justice that is without fear, a vision that allows us to be who we are, without sanction or penalty. We encourage personal and social responsibility towards achieving this vision, and we welcome all viewpoints and ideas that are expressed with respect and collegiality.

Finally, we are a journal that promotes living discussion. Through our annual Symposium, we will test, shape, and strengthen our scholarship by bringing a myriad of experiences into the realm of legal thought. We intend to build alliances across differences, to rub ideas together and watch the sparks fly. We invite you to help us fan the flames, to set the legal community on fire. Subscribe, submit (your work, not yourselves!) and support us.

The Journal of Gender, Race & Justice
10th Annual Symposium

Crossing the Line? Examining Current U.S.
Immigration & Border Policy

October 7 & 8, 2005

Foreword by Eugenio Mollo, Jr., Editor in Chief

On behalf of our student writers and editorial staff, I would like to welcome you to *The Journal of Gender, Race & Justice*'s Tenth Annual Symposium. This year's event is entitled "**Crossing the Line? Examining Current U.S. Immigration & Border Policy.**" When members of the *Journal* started to brainstorm symposium ideas this past spring, we searched for a topic that was both timely and important for the community. We wanted to choose a topic that had visible human implications. Immigration and border policy is not an issue that can simply be addressed in legal discourse. Rather, the inherent structure of immigration and border policy demands discussion of history, politics, and sociology. Therefore, our Symposium attempts to address these fields and others. The merging of these disciplines helps us to explore and challenge who we are and how we define ourselves, both as individuals and as a community.

We anticipate this year's Symposium to build on the successes of past symposia, which have focused on reproductive rights, disability law, the drug war, education, critical race feminism, the feminization of poverty, and U.S. foreign policy. We hope to allow more time for

audience interaction with our distinguished speakers. Of the many faces of immigration, the most important is the human one. With this in mind, we encourage all guests to share their feelings and opinions on the topics at issue during our panel discussions.

The events unfolding over the next two days are a culmination of many months of hard work by the *Journal*'s student writers, editorial staff, faculty advisors, and distinguished guest speakers. Since our topic selection last spring, the *Journal* staff enthusiastically embraced the challenges and dedication needed to put the Symposium together. Similarly, our guest speakers welcomed the idea of traveling from far and near to discuss the important issues associated with immigration and border policy. Their convictions and viewpoints will be expressed in their presentations and, hopefully, through the conversations we hope to spark this weekend. The *Journal* appreciates our guests' diverse ideas and contributions, but even more, we appreciate their commitment to the *Journal* and this Symposium.

Over the next two days, we hope our guests will participate in a meaningful and enlightening debate and discussion. In the spirit of the *Journal*'s mission statement, we anticipate our discussions will "test, shape, and strengthen our scholarship by bringing a myriad of experiences into the realm of legal thought" as we examine the many aspects of immigration and border policy. Through the work we do, members of the *Journal* are constantly exposed to viewpoints and ideas which force us to reconsider our outlooks on the world. We hope that this Symposium, with the multitude of issues it raises, does the same for you.

SCHEDULE OF EVENTS

Friday, October 7, 2005

- 1:30 p.m. WELCOME**
Professor William G. Buss
University of Iowa College of Law
- 1:45 p.m. HISTORY AND FRAMING OF THE SYMPOSIUM**
Amy R. Dollash, Symposium Editor
The Journal of Gender, Race & Justice
- 1:55 p.m. PANEL I: CURRENT STATUS OF THE LAW**
- **Cheryl Mason**
Mason & Stepanova, P.C. – Iowa City
Current Trends in U.S. Immigration Law
 - **Anna Stepanova**
Mason & Stepanova, P.C. – Iowa City
Current Trends in U.S. Immigration Law
 - MODERATOR: Jessica Blome, Staff Writer
The Journal of Gender, Race & Justice
- 2:45 p.m. AFTERNOON BREAK**
- 3:00 p.m. PANEL II: LABOR AND ITS IMPLICATIONS IN IMMIGRATION LAW & POLICY**
- **Ruben J. Garcia**
California Western School of Law
Labor as Property: Guestworkers, NAFTA and the Democracy Deficit
 - **Heather MacKenzie**
Duke University
Show Me the Money: Economic and Structural Pressures on Employment-Based Visa Applicants: The Hidden Agenda in Immigration Policy
- **Patricia Medige**
Colorado Legal Services
The Labyrinth: Pursuing a Human Trafficking Case in Middle America
 - **Natsu Saito**
University of Colorado
Where is the Border? National Security, Immigration Policy and the "Alienating" of the Citizenry
 - COMMENTATOR: **Kathryn J. Salazar**
Day, Meeker, Lamping, Schlegel, & Salazar – Washington, Iowa
 - MODERATOR: Nathan Eberline, Staff Writer
The Journal of Gender, Race & Justice
- 5:00 p.m. CLOSING REMARKS**
Mark Stromer, Senior Articles Editor
The Journal of Gender, Race & Justice
- 6:00 p.m. BANQUET AND RECEPTION***
South Room, Iowa Memorial Union
- 6:30 p.m. KEYNOTE ADDRESS**
Stephen H. Legomsky, Charles F. Nagel
Professor of International and Comparative Law
Washington University, St. Louis School of Law
- INTRODUCTION: Sehee Foss, Staff Writer
The Journal of Gender, Race & Justice

* Pre-Symposium registration required

SCHEDULE OF EVENTS
Saturday, October 8, 2005

8:45 a.m. BREAKFAST AND NETWORKING
Lobby, Boyd Law Building

9:30 a.m. INTRODUCTION AND WELCOME
Eugenio Mollo, Jr., Editor in Chief
The Journal of Gender, Race & Justice

9:40 a.m. PANEL III: LIFE BEYOND THE BORDER

- **Eren Isabel McGinnis**
Documentary Filmmaker
Beyond the Border– Más Allá de la Frontera
- **Ari Luis Palos**
Documentary Filmmaker
Beyond the Border– Más Allá de la Frontera
- COMMENTATOR: **Lazara Pittman**
Attorney at Law – Iowa City
- COMMENTATOR: **Guillermo Walle**
Friends of the Immigrant – Iowa City
- MODERATOR: Blair Westover, Staff Writer
The Journal of Gender, Race & Justice

11:30 a.m. LUNCH AND NETWORKING
4th Floor Student Lounge, Boyd Law Building

1:00 p.m. PANEL IV: SOCIAL AND SOCIO-ECONOMIC IMPLICATIONS OF U.S. BORDER POLICY

- **Marc Belanger**
Saint Mary's College
Immigration, Race, and Economic Globalization on the U.S.-Mexico Border: Tangled Histories, Contemporary Realities
- **Roberto Martinez**
American Friends Service Committee
The Growing Human Cost of Immigration
- **Bernard Trujillo**
University of Wisconsin
Evaluating Guest Worker and Earned Legalization Legislative Proposals
- COMMENTATOR: **Will Carpenter**
Carpenter Law Firm – Des Moines
- COMMENTATOR: **Jason McDonald**
Iowa State University
- MODERATOR: Janet Benton, Staff Writer
The Journal of Gender, Race & Justice

2:45 p.m. CLOSING REMARKS
Alyssa Reed, Senior Managing Editor
The Journal of Gender, Race & Justice

3:00 p.m. INFORMAL RECEPTION
Lobby, Boyd Law Building

PRESENTER AND COMMENTATOR BIOGRAPHIES

Marc Belanger. Marc Belanger is an Assistant Professor of Political Science at Saint Mary's College in South Bend, Indiana. He is also the Chair of the Intercultural Studies Program. His Ph.D. is from the University of Massachusetts, where he wrote a dissertation on counter-insurgency and democratization in Guatemala. His article, *Democratization, Civil Society and Latin American Social Movements*, was recently published in the edited volume Un(civil) Societies: Human Rights and Democratic Transitions in Latin American and Eastern Europe. His most recent work has examined the anti-sweat shop movement. He served as an Election Observer for the 2000 Presidential Elections in Mexico.

William Buss. Prior to joining the law faculty in 1967, Professor Buss clerked for Judge Bailey Aldrich on the United States Court of Appeals for the First Circuit, practiced law with Foley, Hoag & Eliot in Boston, and served as Lecturer on Education and Assistant to the Dean of Education at the Harvard Graduate School of Education. Since coming to Iowa, Professor Buss has specialized in the fields of constitutional law and education law. He has written on the law of special education in England and Wales and, in 1982-1983, taught a course on the Bill of Rights for the United Kingdom at Durham University in England. In 1994, he taught New Zealand Constitutional Law and Comparative Constitutional Law at Victoria University at Wellington in New Zealand. At Iowa, Professor Buss includes Comparative Constitutional Law among his teaching interests.

Will Carpenter. William Carpenter is a practicing attorney in Des Moines, Iowa. Mr. Carpenter graduated from Drake Law School in May 2001. After practicing family and immigration law in the Twin Cities for two years, Mr. Carpenter returned to Des Moines to start his own practice. Mr. Carpenter provides general immigration law services in the greater Des Moines area.

Ruben J. Garcia. Professor Garcia joined the faculty at California Western School of Law in 2003 after having taught at the University of California, Davis School of Law and the University of Wisconsin Law School, where he was a William H. Hastie Fellow. Professor Garcia's research focuses on labor and employment law, with particular attention to the effects of race, gender, immigration and globalization on the world of work.

Before teaching, he specialized in labor and employment law while in private practice in Los Angeles. Professor Garcia has been a member of the Mexican American Bar Association and the Stanford Chicano-Latino Alumni Association. He is currently active in the Law and Society Association and the Labor and Employment Relations Association.

Stephen H. Legomsky. Stephen H. Legomsky is the Charles F. Nagel Professor of International and Comparative Law, and until 2002 the founding Director of the Whitney Harris Institute for Global Legal Studies at Washington University in St. Louis. He is this year's winner of the Arthur Holly Compton Faculty Achievement Award, which is given annually to one faculty member of Washington University, and he has previously received Washington University's Distinguished Faculty Award and his law school's triennial teaching award. This semester Professor Legomsky is the Mason Ladd Distinguished Visiting Professor at the University of Iowa College of Law.

Professor Legomsky is the author of Immigration and Refugee Law and Policy, which has been adopted as the required text for immigration courses at 146 United States law schools and is now in its 4th edition. His other books, published by the Oxford University Press, include Immigration and the Judiciary - Law and Politics in Britain and America and Specialised Justice. Professor Legomsky has chaired the immigration law section of the Association of American Law Schools, the Law Professors Committee of the American Immigration Lawyers Association, and the Refugee Committee of the American Branch of the International Law Association. He has testified before Congress, served as a consultant to President Clinton's transition team, President George H. W. Bush's Commissioner of Immigration, the Administrative Conference of the United States, the

UN High Commissioner for Refugees, the immigration ministers of Russia and Ukraine, and the governments of Belarus, Azerbaijan, and Tajikistan on migration, refugee, and citizenship issues. He is an elected member of the American Law Institute and has had teaching or research appointments in the United States, England, Mexico, New Zealand, Switzerland, Germany, Italy, Austria, Australia, and Suriname. He has been a senior visiting fellow at Oxford University, a visiting fellow at Cambridge University, and a senior researcher at the Headquarters of the UN High Commissioner for Refugees in Geneva. Since 1995, Professor Legomsky has given more than eighty invited speaking presentations, sixty of them overseas.

Heather MacKenzie. Ms. MacKenzie received her J.D. from Duke Law School and her B.A. in Political Science and French from Duke University in 1982. She is the founding member of The MacKenzie Law Firm, a boutique immigration law firm based in Winston-Salem, North Carolina. She has represented clients on issues relating to immigration and nationality law including employment and family-based immigration, asylum and removal. She has successfully represented clients before the U.S. Citizenship and Immigration Services; Immigration and Customs Enforcement, the Department of State, the U.S. Customs Service and the Executive Office for Immigration Review.

Ms. MacKenzie holds multiple bar memberships and is admitted to practice before the U.S. Supreme Court. She is a Senior Lecturing Fellow in Immigration Law at Duke University School of Law and is serving as the Chair of the Carolinas Chapter of the American Immigration Lawyers Association.

Roberto Martinez. Mr. Martinez was born and raised in San Diego, California. He went from Chicano activist in the 1960s, to immigrant rights activist in the 1970s, to border and human rights activist in the '80s and '90s. Mr. Martinez was the Director of the Border Project for American Friends Service Committee in San Diego for twenty years. He retired in December of 2001. He remains active in immigration and border enforcement policies and human rights issues. He is presently writing a book about his family, which goes back five generations to the Texas border, and U.S./Mexico border history. He also recently finished writing a chapter on local Chicano history for a textbook at San Diego State University, along with four other Chicano history professors.

Cheryl Mason. Cheryl Mason earned a B.A. from the College of William and Mary with a double major in government and secondary education. She received her M.A. in language, literacy and culture from Stanford University before attending the University of Iowa College of Law, from which she graduated in 1997. Prior to law school, she taught English as a Second Language (ESL) at Stanford University and the University of Iowa. For more than seven years, Cheryl was an adviser in the Office of International Students and Scholars at the University of Iowa.

Jason McDonald. Jason McDonald has taught at the University of Southampton, University of Winchester, Brunel University, and De Montfort University, and is presently teaching U.S. immigration and Latino history at Iowa State University. He has been an Economic and Social Research Council (UK) postgraduate scholarship student, a Visiting Research Fellow at the Department of African and African-American Studies, University of Texas at Austin, and is a Fellow of the Salzburg Seminar. His publications include: *From Bipartite to Tripartite Society: Demographic Change and Realignments in Ethnic Stratification in Austin, Texas, 1910–1930*, in PATTERNS OF PREJUDICE, vol. 39 (Mar. 2005), and *Marginalising the Marginalised in Wartime: African Americans and Mexican Americans in Austin, Texas, during the Era of World War I*, in the JOURNAL OF ETHNIC AND MIGRATION STUDIES, vol. 33 (Jan. 2006), as well as reviews in *Journal of American Ethnic History*, *Ethnic and Racial Studies*, *Labor History*, *International Review of Social History*, and other journals.

He is currently completing a manuscript for Edinburgh University Press entitled American Ethnic History: Themes and Perspectives.

Eren Isabel McGinnis. The film works of Ms. McGinnis include: *The Southern Sex, Mother Love, Tobacco Blues, The Girl Next Door, Beyond the Border, Impresario, The Kentucky Theatre, and Al Garete.*

Patricia L. Medige. Patricia L. Medige is Managing Attorney of the Migrant Farm Worker Division of Colorado Legal Services, which serves migrant farm workers statewide, including victims of human trafficking. She is President of the Board of Directors for the Rocky Mountain Immigrant Advocacy Network, Colorado's immigration detention pro bono program. She also serves on the Board of Directors of *El Centro Humanitario Para Los Trabajadores* (Humanitarian Center for Workers), Colorado's only non-profit day labor organization, and serves on the Colorado Human Trafficking Task Force, established in 2005. Recent publications include *Perspectives on the Bush Administration's New Immigration Guestworker Proposal: Immigrant Labor Issues*, 32 DENV. J. INT'L L. AND POL'Y. 735 (Fall 2004), and *Immigration Issues in a Security Minded America*, which appeared in the March 2004 issue of COLORADO LAWYER. She has coordinated or presented at numerous national and statewide migrant and immigration law conferences, including a Colorado pro bono CLE, "Representing Noncitizens in Immigration Proceedings," at which she has presented every year since 1996. Ms. Medige graduated from the University of Denver College of Law, where she served on the DENVER JOURNAL OF INTERNATIONAL LAW AND POLICY.

M. Isabel Medina.* B.A., 1977, Monash University (Australia); M.A., 1979, M.F.A., 1980, University of New Orleans; J.D., 1987, Tulane University. Professor Medina joined the Loyola law school faculty in 1991 after practicing law with Arnold & Porter in Washington, D.C. Upon her graduation from law school, she clerked

for the United States District Court for the Eastern District of Louisiana. While in law school she was a managing editor of the Tulane Law Review. Professor Medina teaches Constitutional Law, Employment and Gender Discrimination Law, and Immigration Law.

*The *Journal* has accepted from Ms. Medina a Symposium paper for publication. Unfortunately, she is unable to present her paper at this weekend's Symposium.

Ari Luis Palos. Mr. Palos created Dos Vatos Productions, a film and video production company dedicated to giving a voice to the experience of Mexican immigrants. He has served as director of photography and director on a number of cross-cultural films, including *The Beauty Salon, Hill Stomp Hollar, Okie Noodling, At Leisure's Edge, Beyond the Border, Impresario, The Kentucky Theatre, El Rio de los Perros, and Al Garete.*

Lazara Pittman. Lazara Alseiro Pittman was born in Cuba, raised in Miami, and now lives in Iowa City. Ms. Pittman immigrated to the United States in 1968 with her parents and younger brother. She first came to Iowa City to attend the University of Iowa College of Law, from which she graduated in 1987. After her graduation, she returned to Miami and opened her own law practice, specializing in areas of family and immigration law. Ms. Pittman returned to Iowa City in 1997 with her husband and son. She practices immigration law in Iowa City.

Natsu Saito. Natsu Taylor Saito earned her law degree from Yale Law School and her master's degree in education from Georgia State University. She teaches undergraduate courses on American Indian Studies and race, ethnicity and the law, and a course on the immigration of racial minorities at the University of Colorado - Boulder. Her research focuses on the legal and political history of race and racial subordination in the United States.

Kathryn J. Salazar. Kathryn J. Salazar is an immigration attorney practicing in Washington, Iowa. Ms. Salazar received her bachelor's degree from the University of Iowa in 1994 and attended the University of Missouri-Columbia College of Law, receiving her J.D. in 2000. Ms. Salazar was a partner at Bordwell & Salazar, P.L.C., and currently is a partner at Day, Meeker, Lamping, Schlegel, and Salazar. She is a co-founder of Friends and Neighbors of Immigrants, a member and former vice chair of the Iowa-Nebraska Chapter of American Immigration Lawyers Association, a member of the Iowa State Bar Association, a member and current President of the Washington County Bar Association and serves on several community boards. Ms. Salazar practices in immigration law and family law.

Anna Stepanova. Ms. Stepanova earned two B.A. degrees, the first one from a professional music college in Russia, and the second one from the University of Iowa in Russian and Literature. She also received her M.A. in Linguistics from the University of Iowa before attending the University of Iowa College of Law, from which she graduated with distinction in 2004. Prior to law school, Ms. Stepanova worked as a translator, freelance journalist and an adviser in the Office of International Students and Scholars at the University of Iowa.

Bernard Trujillo. Bernard Trujillo is an Assistant Professor of Law at the University of Wisconsin Law School in Madison, where he teaches and researches in the areas of Immigration Law and Mexican Migration to the United States. He is a board member of Centro Hispano, the Madison-area Latina/o community and services center, and a member of the Amicus Curiae Committee of the Hispanic National Bar Association. Princeton A.B. 1988; Yale Law School J.D. 1992.

Guillermo Walle. Guillermo Walle is a member of an Iowa City organization, Friends of the Immigrant – Amigos del Inmigrante. Formed in 2004, the group's mission is to support and help educate the immigrant population in Iowa City and neighboring communities. The group provides information on religious, legal, health, and educational resources as well as information on technology, taxes and local shopping opportunities. Mr. Walle, originally from Mexico, works as an engineer with Proctor & Gamble. He lives in Iowa City with his family.

FREQUENTLY ASKED QUESTIONS

- **How can I subscribe to the *Journal*?**
Subscription forms are available at the Registration table in the lobby as well as in the Levitt Auditorium. More information is available on the *Journal* website at <http://www.law.uiowa.edu/journals/grj/subscribe.php>
- **Is there a cost for the Symposium?**
No, admission is free of charge. However, in order to further our Mission Statement through high quality Symposia, donations are welcomed. Donation forms are available at the Registration table in the lobby as well as in the Levitt Auditorium. Thank you in advance for your contribution.
- **Does the *Journal* have a website?**
Yes: <http://www.law.uiowa.edu/journals/grj>
There is also a 2005 Symposium website at: <http://www.law.uiowa.edu/journals/grj/symp.php>
We invite you to read and leave comments on the *Journal* blog: <http://jgrj.blogspot.com>
- **May I receive Continuing Legal Education (CLE) credit for attending the Symposium?**
The 10th Annual Symposium of *The Journal of Gender, Race & Justice* is an accredited program under the regulations of the Iowa Supreme Court Commission on Continuing Legal Education. Check in at the Symposium Registration table for the maximum hours of regular credit this program will provide toward the mandatory CLE requirements under the Iowa rule. No hours of ethics credit will be provided.

NOTES

